

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer No.: 1912
Pedro M. Buarque de Macedo : Confirmation No.: 8891
Application No.: 10/625,102 : Tech Center Art Unit: 3637
Filed: July 22, 2003 : Examiner: Michael Safavi
For: Prestressed, Strong Foam Glass :
Tiles

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed on September 3, 2009.

An Appeal Brief was originally due November 3, 2009. A petition for a four (4) month extension of time under 37 C.F.R. § 1.136 is hereby made. The time period for filing the Appeal Brief is hereby extended to March 3, 2010. Accordingly, this Appeal Brief is being timely submitted.

Appellant's September 3, 2009 Notice of Appeal reinstated an appeal based on the Notice of Appeal filed on November 28, 2007 (which, in turn, reinstated an appeal based on the Notice of Appeal filed on December 22, 2006). In response to Appellant's Appeal Brief filed on March 13, 2008 in support of the November 28, 2007 Notice of Appeal, the

Examiner reopened the prosecution by issuing a non-final Office Action on July 11, 2008 and adding a new ground of rejection based on newly cited prior art. On August 21, 2008, the Examiner mailed a Supplemental Office Action withdrawing one of the prior art references he had relied on in his prior final rejection. As a result of Appellant's Request for Reconsideration filed on November 21, 2008, the Examiner also withdrew the new ground of rejection set forth for the first time in the July 11, 2008 Office Action. However, in the Final Office Action mailed on March 4, 2009, the Examiner continued to reject all of the pending claims over the same set of prior art references minus one, which he had relied on in his prior final rejection. Despite Appellant's efforts to explain the patentability of the pending claims over the prior art during the personal interview with the Examiner on July 8, 2009, the Examiner still maintains the final rejection and suggests that Appellant pursue the appeals process. Appellant's September 3, 2009 Notice of Appeal and the present Appeal Brief address the final rejection by the Examiner set forth in his March 4, 2009 Final Office Action.

Please charge the amount of \$1,135 to cover fees for filing an Appeal Brief for a small entity (\$270.00); and the fee for a four-month extension of time (\$865.00) for a small entity to Deposit Account No. 01-1785. No additional fees or extensions of time are deemed necessary in connection with the filing of this Appeal Brief. However, if any additional fees are due under 37 C.F.R. §§ 1.17 and 41.20, and in connection with the filing of this paper, the Patent Office is authorized to withdraw the amount of any such

fees from Deposit Account No. 01-1785. Any excess fees may also be credited to such Deposit Account.

Respectfully submitted,

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Dated: New York, New York
March 1, 2010

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